

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT J. CODEGA,
Plaintiff,
v.
WAGSTAFF, INC.,
Defendant.

NO. 2:15-CV-00190-JLQ

ORDER OF DISMISSAL AND
CLOSING FILE

On August 21, 2015, Plaintiff paid the filing fee and the Complaint (ECF No. 4) was filed. The Summons was issued for Plaintiff to serve with the Complaint on Defendant. *See* (ECF No. 5). On December 23, 2015, the court issued an Order to Show Cause why Plaintiff had not served Defendant with the Summons or Complaint within 120 days after filing the Complaint as established by Fed.R.Civ.P. 4(m). *See* (ECF No. 6). Plaintiff filed a Response on January 12, 2016, requesting an additional 45 days to serve the Summons and Complaint. *See* (ECF No. 7). The court granted an extension and gave Plaintiff until February 12, 2016, to serve the summons and complaint. *See* (ECF No. 8). The Order granting the extension cautioned: “**Failure to timely serve the Summons and Complaint and timely file proof of service will result in dismissal of this action without prejudice.**” (ECF No. 8 at 2) (emphasis in original). Plaintiff has not filed proof of service as of the date of this Order.

IT IS HEREBY ORDERED:

1 Plaintiff's Complaint (ECF No. 4) shall be **DISMISSED WITHOUT**
2 **PREJUDICE.**

3 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, enter
4 judgment of dismissal of the Complaint and the claims therein without prejudice, furnish a
5 copy of this Order and the judgment to Mr. Codega, and close this file.

6 **DATED** this 25th day of February, 2016.

7 s/ Justin L. Quackenbush
8 JUSTIN L. QUACKENBUSH
9 SENIOR UNITED STATES DISTRICT JUDGE
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